

## REMARKS

This is an amendment to the non-final rejection of October 5, 2006. Claims 1-7 pending, claims 1 and 5-7 currently amended, and claims 2-4 remain original. All the features of the amended claims are fully supported by the originally filed application including lines 5-11, page 5; lines 1-20, page 8; lines 1-3, page 9 of the original specification (WO2004/088047) and FIGS. 3-5 of the original drawings. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, claims 1-7 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

### Objections to the Drawings

The drawings were objected to because the drawing labels are enclosed in brackets. In response, Applicant submits amended replacement drawings along with this Response, where Applicant has labeled FIG. 1 with “Prior Art” because it is a prior art reference.

### Claim Rejections under 35 U.S.C. §102

The Examiner rejected claims 1 through 7 under 35 U.S.C. §102(b) as being anticipated by Lin (US Patent No. 5,406,745). Applicant assumes that the Examiner rejected claims 1 through 7, and respectfully disagrees with the Examiner. In response, Applicant has amended claims 1 and 5-7.

### Lin Does not Anticipate Pending Claims 1 through 7

Applicant respectfully submits that claims 1-7 are not anticipated by Lin.

### The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (*Fed. Cir. 1985*). More particularly, the finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (*Fed. Cir. 1994*). “To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Brown v. 3M*, 265 F.3d 1349 (*Fed. Cir. 2001*).

### Disclosure of Lin

Lin discloses a honeycomb grassplanting unit having a hexagonal body (10), a fence (12), a plurality of soilpots (13), a plurality of plates (15), a central soilpot (19), and a plurality of reinforcement ribs (140). The honeycomb grassplanting unit includes two receiving sockets (18) and four snapping fasteners (17) for releasably engaging with another honeycomb grassplanting unit. (See, e.g., col. 1, lines 57-68; col. 2, lines 1-32; claim 1; Figs. 1, 3, 5, and 6).

### Lin Does Not Anticipate Claims 1-7

Claims 1-7 are directed to an embankment block. The features include: the plurality of connection members (32) extend *downwardly* from an outer surface of a rim of the base frame (30); the connection members (32) comprise outwardly bent connection parts (38); each of the connection parts (38) is configured to be connected in a horizontal direction (Fig. 5) and overlapped and connected in tier structure (Figs. 3, 4, and 5) with a connection part (38) of a neighboring embankment block; and part of the connection parts (38) comprise engaging protrusions (46) and remaining connection parts (38) comprise engaging holes (48).

As discussed above, Lin's honeycomb grassplanting units are engaged only in a same common plane by the receiving sockets and the snapping fasteners as shown in Fig. 5. In contrast, the embankment blocks according to the present invention can be connected as in tier structure and in a horizontal direction. This feature is apparent from the fact that the connection members of the present invention extend downwardly from the base frame and out of a plane defined by the base frame.

The connection members and the connection parts of the invention are connected to each other, while the receiving sockets and the snapping fasteners of the cited reference are not connected to each other, but provided totally separately. Examiner said "further including a connection part (17) for engagement with the connection member of an adjacent like embankment block". However, the connection part (38) of the present invention is not for engagement with the connection member (32) of the neighboring embankment block, but the connection parts (38) are just provided at the front ends of the connection members (32). The *connection parts* of an embankment block are connected to the *connection parts* of neighboring embankment block.

Also, Lin's receiving sockets or snapping fasteners do not include any of engaging protrusion or engaging hole.

In view of foregoing, Lin does not anticipate claims 1-7. Applicant respectfully requests withdrawal of the rejections.

### Dependent Claims

Although applicant has not addressed all the issues of the dependent claims, applicant respectfully submits that applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the examiner, and applicant submits that each claim is patentable on its own merits. Claims 2-7 are dependent either directly or indirectly on claim 1. Therefore, Applicant respectfully requests prompt allowance of the claims.

### Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-7 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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